173 the Middle /3/ horde (orta yuz) took the places suitable for droves of horses, and the Little horde (kshi yuz) the localities bordering with Russia.

173 618 A list of 92 Uzbek clans is spread among the Kazakhs in various variations, called the Nasab Namei Uzbekiia. According to Khoroshkin, this list owes its origin to a desire of the Bukharan Emirs to have a record of the traditions among the people about the 92 Uzbek clans. At the same time variants were produced even during the very collecting of 92 names, in spite of their alteration by the copyists.

173 233 In the list of the 92 Uzbek tribes it was said that when the 92 brothers became rich, their livestock began to get mixed. In order to show to whom the livestock belonged, the brothers, in consultation with each other, chose 92 signs or seals /tamga/.

The antiquity of the seals is confirmed by the fact that many of the names of the clans, and still more often those of the lineages, originate from names of the drawings on the seals. The study of the seals is important for the history of the Uzbek clans. The discovery of a clan seal in a certain place on a tomb or other monument can prove that that very clan nomadized there at some time. (1)

1. V. P. Nalivkin.

The seals serve in place of the inscription of a name on tombs and on every sort of document. The seal is branded primarily on horses and camels, and from the left side (from which the horse is mounted). The part of the body where the seal is branded differs in different clans. For example the Turaigyr lineage brands its seal on the head, the Kukkuz on the flank, the Kaz and Kedel on the shoulder, the Karakypchak on the belly, and one lineage of the Kypchaks, living around Troitsk, on the haunch. The seal is not branded on sheep and cattle, but they make a cut in the ear, the right or the left. This incision is called en, kez. Sometimes they make several strokes on an animal's cheek in place of the seal. This is called surma. Although anyone who wishes to distinguish his livestock can invent a seal, an en, etc., for himself, once he has established this sign he cannot change it except in the /4/ case of allotment to someone or as a result of the increase of the i[illegible] livestock (1)

1. Cf. supplement No. 2. 1/2

1/2 [Not translated -- A.]

576 The order of seniority is observed: 1) at the division of military booty (oldzha). Even though the man who first captured the booty may wish to take the lion's share of it for himself, those who are senior by birth usually take their share first; 2) in entering the house (nukhtagasyb kiredi, they enter in order) and in sitting down in their places. The most honorable place is opposite the entrance; 3) at the opening of a festivity (tui bystagan), they argue as to who, as senior in the clan, will begin the singing (ulen), for this one customarily receives a gift; 4) in the quality of the food served.

•618 The seniority among the hordes, clans and lineages goes by direct
576 line. The last clan of the Great horde has precedence over the most senior clan of the Middle horde, etc. This is justified by the fact that the ancestor was senior (atasy ulkun). (2)

2. Among the Mogols the khans are succeeded by their youngest sons, i. e., those who have not received allotment. Even now the youngest sons, as inheritors of the father's tent (ulkun ui), acquire greater fame from the fact that they arrange the funeral and the wake. Guests and petitioners for the usual gifts and sacrifices come to them. Finally, they enjoy great respect already during their father's lifetime. They are only obliged to honor their elder brothers. After the death of the father the guests appear first in the home of the youngest son in order to honor the memory of the father (arvakh siileimiz, we honor the soul), but for counsel they turn to his elder brother.

The Dzhalair clan is now considerd the senior clan of the Great horde. At feasts when the food is served they ask if there is someone there from the senior clan Dzhalair (nukhtagasy Dzhalair barma?), in order to serve him first. At weddings the Dzhalairs begin the singing, and if none of them are present the Oshakty begin it.

618 /8/ There are indications, however, that at the beginning this clan was not the oldest in origin. Umurbek, bii of the Auliye-Ata uyezd, transmits the following story: Once Dzhalair rode out with orders to take horses from adversaries. Having stored up a large number of halters, (nukhta), he succeeded in driving in far more horses than his comrades. As a result of this, he received the nick name of nukhtagasy, which from that time on began to be used in the sense of elder in the clan. Nukhta-agasy means master or chief of the halters. /The informant/ Torgai, who admits that Dzhalair might have been younger and became senior as heir of his father's changarak /tent ring, i. e. tent/, repudiates

this story, however, on the basis that nukhtagasy does not come from the word nukhta. The Kazakhs of the Oshakhty clan maintain that Oshakty is older than Dzhalair, although the latter has precedence as the lawful (nikeli) son. Yupar Baibishe, the mother of all the clans of the Great horde, from the lust which she conceived for a man who was walking beside her husband, bore a son without relations with him. She thrust the baby into the hearth (oshak), for which reason the people who found him gave him the name Oshakty. After him she bore a lawful son Dzhalair.

It is customary to give certain food to the honored person, i. e. of the senior clan (nukhtagasy), the eldest in the clan or lineage (aksakal), finally the khodja, mullah, etc. If there is some to give, the honored person receives tea, millcakes, fruit (1) and the following

1. Cf. supplement No. 3.

pieces of meat: to the first, the head of the animal (2) or, according

2. The tastiest part of the head is considered to be the nose.

to other people, the head with a flank (ianbas) and a haunch (mykyn), or the head with a flank and hooves; to the second person the flank (ianbas); to the third the thigh-bone (ortan yilik, ortai ilik); to the fourth a leg from knee to shinbone (asyk yilik); (3) to the last the

3. Asyk is the knee pan.

shoulder (dzhaurin). The fat under the horse's mane is considered to be one of the very honorable pieces.

According to data from the Auliye-Ata uyezd, pieces of mutton have the following sequence in degree of honor: the orta yilik /9/ (the thigh bone of a front leg) goes to the young men; the asyk yilik (the leg, knee to shinbone, of a back leg) to women; ker yilik or kari yilik (the knee to shinbone part of a front leg) to the mistress of the house (baibishe); tus (breast) to the groom; iaurin (the shoulder and thighbone of a front leg) to the old men; tokpa (the thighbone of a back leg) to the grown girls (bui yitken kyzdarga); kiuimshak (the tail) to the women and girls.

According to data from the Kurama uyezd, the men receive: bas (the head), kabyrga (rib), umurtka (the vertebrae), bakai (the hoof and the bones over the hooves of all four feet), and the yilinchik (a little

[not translated -- A]

Did your father die?" They also avoid calling someone from a distance.

/12/ CHAPTER II.

The clan principle. - Custom

The enormous importance of the clan principle (1) stems from

1. On the clan origin as the most ancient stage of social development of all peoples, cf. Pervobytnoe Pravo /Primitive Law/ by Makim Kovalevskii, Moscow, 1886, Pt. 1. Clan.

the law of force: the individual finds defence only in his clan. The clan answers for his transgressions. The propitiatory oath is imposed not on the responsible individual but on another person from his clan. (2)

2. Hence a man without a clan or a musafir always risks losing a case, being unable to procure his kinsmen to take the oath.

The exaction of payment is also received not by the person but by the clan. When wergeld is not paid, not necessarily the murderer, but any person from his clan is killed. A bride belongs not to a person but to a clan. A widow goes to the nearest relative of the deceased, and a divorced woman must choose a new husband from the clan of her former husband. The nearest kinsman is always the guardian. Guests are received according to their degree of kinship.

The bearers of the clan principle are the rich men and the senior elders (aksakals). (3) Beyond the names of their direct ancestors and

3. Among the Sarts the aksakal is an administrative figure - a village elder. Among the Kazakhs he is the person in a given place who has the highest authority by blood.

their clan and lineage, the poor know nothing of the distant branches of their kin.

The volost administrators elected by the people retain their posts only when they belong to the strongest clan in the volost.

The decline of the clan principle is marked by frequent litiga-

tions between close kinsmen and the non-payment of penalties and debts for relatives. /13/ Among the Kazakhs we find the following proverbs concerning clan relationships. 618

Do not go hunting with a man of a strange clan. He will prevent you from shooting by being close beside you.

A fool will forget where he was born.

It is better to have a foal from your village /aul/ win a race than a horse of a strange village.

It is better to be a herder in one's own clan than emperor among a strange people.

He who does not know the names of his seven ancestors is a traitor.

A person who lives together with us still does not become a kinsman. A person who is a kinsman cannot become a stranger.

The dog does not forget the place where he ate, the man does not forget the place where he was born.

It is possible to be born together, but it is impossible to live together.

Do not call your own a bad kinsman, do not call your own eye (guard) bad, and separate him from the good.

In the law of 1867 on the administration of the Semirechie and Syr-Darya oblasts it was recognized as necessary to divide the nomadic population into volosts and villages in order to divide the Kazakh clans, for it was considered bad from the political point of view to unite a large clan under the rule of one clan chief. On this basis volosts were formed in 1867 which were mixtures of various clans as much as possible. But leaving the nomads the right to transfer from one volost to another made it possible for them to evade the designated aim of the government, which was to weaken the clan principle. 631 618

In order to sum up the results of the constant transfers of the Kazakhs from one volost to another in the period from 1867 to 1884, data was called for from the uyezd chiefs of the Syr-Darya region, from whom the following answers have been received. 631 618 178

1) The chief of the Auliye-Ata uyezd explains that since /14/ the time of formation of the volosts the clan principle has lost its original importance to a considerable degree. This is supported by the following: a) in the people's courts those who swear the oath are no longer appointed by the biis as from such and such a clan or division to which the defendant or accuser belongs, but from the volost, village, group of fifty or group of ten to which they belong; b) when the guilty are unable to pay the fine of livestock for their criminal deeds, the [695]

631 kinsmen (1) are not brought in, but the people in the same village as
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1. Note 1 to item 161 of the Draft of a code on the Administration of the Semirechie and Syr-Darya Regions: "If in the commission of a crime, damage is inflicted on state or private property, the guilty person, in addition to his personal penalty by law, is sentenced to compensate for the damage. In case of insolvency of the guilty person, the payment of the damages among the Kazakhs is referred to his kinsmen, on the basis of customs."

the defendant. Then, depending on the size of the fine, either the whole village takes part in the payment of the livestock, or only those 50 or 10 tents to which the defendant belongs; c) the transfer of nomads from one volost to another or from village to village takes place, for the most part, to acquire land rights for agriculture, since at present the nomadic population attaches very great importance to
[672] land use; d) the baranta /form of legal or approved private seizure of
579 livestock/ has now ceased to a great extent. Robberies are very few.
[694] After murders it is not necessary to go the place where the blood was shed to receive staisfaction. It is not necessary to revert to force for suits and offenses, since if satisfaction is not received, they can turn to the Russian authority, which will force the people's courts to try the the case and satisfy the plaintiffs. Therefore in all cases of this kind there is no need of seeking protection among kinsmen; e) Now there is no seizure of land by one clan from another, which might cause other clans to unite among themselves for purposes of defense.

631 In spite of all this, an attraction to their clans does exist,
618 although some clans belong to several volosts. This is supported by influential persons, the representatives of their clans, since the clan principle helps to maintain /15/ their importance among the people and helps in collecting a majority of votes in elections. (1) This

1. The persons of the native administration, /namely/ the volost administrators and the village elders, are elected by the people, and the appointment is confirmed by the oblast or uyezd administration.

attraction is stronger in those volosts which are composed almost exclusively of one clan, with villages from one branch. However in the villages kinship in the female line is acquiring great importance.

The vagueness and imprecision of the borders of the volosts and villages also adds to the importance of the clan origin. There are cases, quite often, in which Kazakhs belonging to one volost or one village occupy land for farming and winter camps in other volosts and villages. The organization of the land and the exact determination of the borders of the volosts and villages will have an enormous influence on the destruction of the clan principle. When every village has its own allotment of land then a transfer of tents will take place only for economic considerations and not to collect a majority of votes for one's kinsmen. 618

2) In the opinion of the chief of the Turkestan uyezd, the administrative division of the Kazakhs into villages and volosts has not by any means achieved its goal, and the clan principle is strongly maintained, as before. This is assisted, among other things, by the fact that the volosts were organized by clans or by branches, and all the transfers of Kazakhs from one volost to another were caused by a desire for clan unity.

3) The chief of the Kazalinsk (2) uyezd states that the division

2. On the transfer of the Kazakhs from volost to volost to their kinsmen, and on the force of the clan rulers in the steppe along with the volost administrators, see the article by E. A. Aleksandrov, assistant to the chief of the Kazalinsk uyezd: "Iz zhizni stepnykh uezdov Syr-Dar'inskoi oblasti" /From the life of the steppe uyezds of the Syr-Darya region/, in Turkestanskie Vedomosti, 1885, No. 17. In 1887 Mr. Aleksandrov writes: "Up to the present time a weakening of the clan principle has not been perceptible. In this respect the law of 1867 has not had the force of a destructive action."

into volosts and villages with elected functionaries, has suppressed to a considerable degree the striving of the kinsmen to play the leading role or to influence the administration by the people. /16/ A land demarcation of the volosts would have had a still greater influence on the suppression of the clan principle. Even now Kazakhs of one clan [423] but in different volosts, even in those very far apart, for the most part nomadize together on lands which they consider to be of the clan. For this reason they often do not allow villages to use the land although the latter have a greater right to it because of their permanent residence in those places and their revival of irrigation canals.

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4) The chief of the Kurama uyezd reported that there were no strong Kazakh clans in that uyezd, since its residents had already come here in small groups or singly during the Moslem rule. In transferring from volost to volost, the strong clans do not willingly separate their members, and the latter also are not anxious to break away from their clan. Those who do transfer are mostly the poor from broken clans. The Kazakhs who have strong kinsmen live more prosperously, because the rich help their poor kinsmen in difficult moments, and often pay assessments for them, while the poor pay for this in their turn by their labor. With the breaking up of the clans the poor, being left to their own devices, grow poorer from year to year, having no strong hand indirectly leading them. According to the opinion of the chief of the uyezd, the morality of the Kazakhs belonging to a large clan is considerably higher than the morality of the newcomers from broken clans. This is explained by the fact that the clan administration has not lost its importance even now, and the chief of the clan in the midst of the Kazakhs has even more influence than the Russian administration.

5) The Chimkent uyezd is occupied by Kazakhs of the Great horde, and the nomadic life is retained in absolute purity among them. Here every Kazakh knows well what his clan is, his lineage and even his sublineage. The clan principle has been retained in full force, and with it the power of the kinsmen. The right reserved to the nomads to transfer from volost to volost has made it possible for the Kazakh clans to unite, and at /17/ the present time some single clan predominates in every volost. The volost administrator is elected from this predominant clan, and he plays the role of kinsman at the same time. The village elders are also elected primarily from the chief clan. Not one of the volosts of the Chimkent uyezd has territorial boundaries, and the tent proprietors in most of the volosts are scattered over the entire uyezd. Although the elective principle has weakened the power of a single kinsman in an entire lineage, it has brought with it the formation of a small clan aristocracy, the atkamnars. (1) The atkamnars are mostly former officials of volosts,

1. Atkamnar literally means "rider of a horse", and in a figurative sense, a rich person.

or biis, or officials of villages, or even of groups of fifty. Since persons influential in the clan are elected for all these posts, 20 to 150 tents of adherents and relatives remain around them even after they havebeen replaced. The atkamnar is considered the patron of

his adherents. He acts as their representative at elections and in court cases. 618.

In confirmation of what has been said, we enter below a list of the volosts of the Chimkent uyezd, with an indication of the number of tents in each clan within the volost.

Aktash volost	Clans:	Sirgeli	889 tents
		Sikym	93 tents
		Seuvan	38 "
		Total	1,020 tents
Akmolinsk volost	Clans:	Sty	956
		Oshakty	228
		Kangly	16
		Kongrad	2
		Total	1,202
Arys volost	Clans:	Kongrad	1,160
Aksu volost	Clans:	Dzhanys	884
		Chimir	841
		Sary Aisiun	40
/18/		Dzhagalbaily	62
		Sikym	139
		Argyn	9
		Botpai	3
		Total	1,978
Bairkum volost	Clan:	Kongrad	1,462
Bishtamgaly	Clans:	Sirgeli	156
		Sty	900
		Oshakty	289
		Dzhalair	134
		Total	1,479
Buraldaev	Clans:	Chimir	1,053
		Sikym	8
		Abdan	9
		Total	1,070
Karabulak volost	Clans:	Sikym	1,036 tents
		Shenshkyly	65
		Sirgeli	90
		Chimir	128
		Total	1,319 tents

4: Grodekov--17 E-5 (ca 1885) 1889 RQ2 Kazak RQ2

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Karamurt volost	Clans:	Sikym	1, 344 tents
		Shaprashty	94
		Abdan	80
		Argyn	20
		Kangly	15
		Sty	19
		Botpai	20
		Oshakty	10
		Kirgiz	20
		Sirgeli	15
		Total	1, 637tents
Kazykurt volost	Clans:	Dzhanys	1, 421 tents
		Auban	150
/19/		Sikym	50
		Sty	47
		Total	1, 368 tents
Kungei-Sirgeli volost	Clans:	Sirgeli	849
		Dzhalair	162
		Total	1, 011 tents
Mailikent volost	Clans:	Chimir:	1, 312 tents
		Kangly, Shenshkyly	413
		Dzhanys	50
		Botpai	251
		Total	2, 026
Sarykul volost	Clans:	Kongrad	1, 455 tents
		Argyn	19
		Kerei	17
		Total	1, 491
Sirgeli volost	Clans:	Sirgeli	1, 827 tents
		Kongrad	12
		Total	1, 839 tents
Tilik volost	Clans:	Sty	1, 599 tents
Chayan volost	Clans:	Sirgeli	1, 034 tents
Chilik volost	Clans:	Naiman	705 tents
		Argyn	249
		Kypchak	152
		Hodja	154
		Total	1, 160 tents/sic/
Chul volost	Clans:	Sikym	900 tents
		Dzhagalbaily	156
		Total	1, 056 tents

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Dzhanys volost	Clans:		
		Chegyr	416 tents
		Dzhanys	603
/20/		Sirgeli	11
		Total	1,030 tents

6) The chief of the Perovsk uyezd reported that the administrative division of the uyezd into volosts and villages existed only officially. Actually, the volosts and villages are composed either of Kazakhs of one clan or of clans which are close to each other, and this is confirmed by the following. Three volosts, located north of Perovsk, belong exclusively to the Kypchak clan, and although there are 150 tents of Argyn and 200 tents of Naiman among them, these have no importance among the Kypchaks because of their small number, and are under the influence of the Kypchaks. The Kintub volost is composed exclusively of Dzhappas and the Dzhappas clan also rules in the Tsarskaya volost, the Konstantinovsk, the Samurunovsk and the Chagan volosts, over the less numerous Bakhtiar, Hodja, Tazlar, Naiman and other clans. The Dzhumartov volost is composed of Kereit, the Bayuzak volost of Tabyn. The Karmakchi volost consists of Alshyn and Kereit, the Nikolaevsk Kysbugut and Yany-Darya volosts are composed of Chumikei, and the Akkyr volost contains Kete. The nomads are grouping themselves in their clans by means of frequent transfers.

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The custom according to which the Kazakhs live and are judged has the Turkic name zang, or the Arabic name adat.

The origin of the zang, it must be supposed, is concealed in in that remote time when all the Turkic peoples now scattered over Asia lived one common life. This is proven among other things by the fact that such strongly Mongolized branches of the Turkic people as the Yakuts, Buriats, Tunguz and other Siberian natives have many customs in common with the Kazakhs. (The Collection of Customary Law of the Siberian Indigenous Peoples by D. Ia. Samokvasov). These common customs are: the clan principle, kalym /the bride price/, the bride's belonging not to the individual but to the clan, the exchange of daughters without the bride price, the term terkun with the meaning of "relative of the wife, the father's house of the wife", the fine of two head of cattle for stealing (among the Buriats), the expiatory oath, the disavowal from which conviction is established (among the Buriats), the /21/ increase of the punishment on the repetition of theft (among the Yakut), banishment for the fourth

/27/ CHAPTER III.

602 Degrees of kinship. -The authority of the parents. -Age of majority. -The clan of the mother. -Adoption. -Guardianship. -Blood brotherhood.

An unknown person receives questions first of all about his clan (Ne el sen? Syuyaging ne?). If the inquirer is of the same clan, then he asks about the lineage, then the sublineage, etc., down to the group, after which the direct descending list of the ancestors begins. Each is supposed to know his ancestors. "He who does not know seven ancestors is a backslider," says the proverb (yete atasyn bil'megen murted). (1)These inquiries serve as a testimonial of the

1. We were able to ascertain more than once that even children aged 10-11 knew their seven ancestors exactly.

individual. Guests are received graciously or rudely on the basis of the recognized degree of kinship. Kinship is reckoned, as they say, to the fortieth degree.

618 Transfer from one clan to another is impossible, but living and nomadizing with a strange clan is permitted.

582 Marriages are concluded between hordes, clans, lineages, etc. to the seventh "ancestor", i. e., the seventh degree of kinship inclusively, by the male line (2), and in the opinion of several people, to

2. Matchmaking takes place when seven ancestors have passed (yete ata utkensong). If anyone has a love relationship with a person more closely related than this degree of kinship, he is banished from the society (yurttan chygarady). Communication of bii Khalmakhammed, Chimkent uyezd.

the fourth and even the third degree. Among the Kirgiz, according to the statement of bii Kurpetay Dauletkulov, marriages are concluded to the fifth generation. At the present time, closer relatives marry, even from the second generation, for which they are reproached by the words: "You are spoiling the customary law." But they do not dissolve the marriage and do not impose a penalty. (3) Mullah Asan

3. In the Svanetiya "Even those whose kinship is reckoned at the twelfth degree cannot enter into marriage." (Vestnik Evropy, August, 1886).

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lives on meat, reaches full age earlier (from the age of 10) than the poor man's daughter (from the age of 15). Then Khamahammed added: "I cannot speak for others, but I only know that I reached my majority (balagatka yettim), /37/ at 12, since from that time on I became capable of being the father of a family (kedkhudachilikke yarab idim). Other weaker people (nacharrak adam) mature only at 15."

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Children enjoy the protection of the mother's clan (turkun), when the father's clan is inactive or absent. There are cases when after the death of the father from the clan, let us say, of Chumekey, the boy is raised among his mother's kin, let us say, Dzhappas, and calls himself Dzhappas among them, to avoid coldness in his relations. However, in case the boy is killed, his own clan demands the wergeld and not his mother's clan.

If the deceased father has no relatives, the children go to the mother's clan. The son is free to go or not, for he can take a trade, but the daughter must go. They demand her in court.

[848]
No one can belong to his mother's clan. Even illegitimate children (kharami nikasyz) seek out their father, and are considered to be of his clan. Children born of a widow several years after the death of her husband, are in some places considered on an equal with the children of the deceased. (Perovsk uyezd).

Among the Kirgiz, those who have grown up in a strange clan do not cease to consider themselves of the clan of their father. But kharami bala, without a father, consider themselves in the mother's clan.

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Adopted children, inchiles bala, as the name itself indicates, are sharers of the property alloted by their titular parents. The adopted son pays fines and wergeld and receives them just as the real children. When the parents of the boy to be adopted are alive, their consent is necessary for the adoption.

Mutual adoption or exchange of children is possible only between kin. The adoption of a child is announced before witnesses and is accompanied by the slaughter of an animal, from which a witness, the aksakal, puts the asyk /38/ yilik bone into the hand of the adopted child if it is a boy. The adopted one, showing it in his hand, takes some to eat. A girl can be given the tokpan yilik.